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Attorneys for Plaintiff Jonathan Dunn

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**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF UTAH - CENTRAL DIVISION**

JONATHAN DUNN,

Plaintiff,

v.

DELTA AIR LINES, INC.; ROBERT BAN-
 ISH; KEVIN MILLER; and BRIAN CINK,

Defendants.

Notice of Change in Material Fact

Case No. 2:24-cv-967-HCN-DBP

Hon. Howard C. Nielson, Jr.

Hon. Dustin B. Pead

Plaintiff Jonathan Dunn writes to notify the Court of a recent change in fact affecting the allegations in his Complaint (but not the pending disputes in the Defendants' motion to dismiss). Plaintiff provides this notice to comply with his obligation to inform the Court of correct information when it comes available.

1. Dunn's complaint alleged that "the Federal Aviation Administration suspended Dunn's pilot's license based on the Transportation Security Administration's determination that Dunn was a security threat." Dkt. 1, Compl. ¶113. The complaint further alleged that "TSA and FAA have not responded" to Dunn's administrative challenges to those actions, and that Dunn's "pilot's license and airman's medial license remain suspended." *Id.* ¶¶ 113, 118. These allegations were true at the time they were pled.

2. After conducting an investigation, however, the TSA recently notified Dunn that it

“decided to withdraw the Determination of Security Threat.” Attachment A, *Letter re Withdrawal of Determination of Security Threat*, TSA (June 26, 2025). Shortly after, the FAA informed Dunn that it restored his pilot’s license, flight instructor certificate, and airman’s medical certificate. Attachment B, *Letter re Withdrawal of Immediately Effective Order of Revocation*, FAA (July 8, 2025).

3. Although these changes may ultimately affect the scope of Dunn’s damages, they do not alter any of the contested issues in the current briefing on Defendants’ motion to dismiss. Moreover, the decision by the TSA to exonerate Dunn and reinstate his status lends further plausibility to his claims against the Defendants—namely, that their reports and assistance in a wrongful prosecution harmed Dunn and lacked a basis in objective fact. Compl. ¶¶126, 128, 134, 137, 142, 144; Dkt. 35, Opp. 7-9, 11-12. Dunn believes further discovery will support his claim that the suspension of his status hinged upon Defendants’ conduct.

4. If the Court denies Defendants’ motion to dismiss, Dunn will move to amend his allegations to reflect this change in circumstance at the appropriate time. *See* Fed. R. Civ. P. 15(a)(2), (b).

Dated: July 14, 2025

Respectfully submitted,

/s/ Matt Pociask
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CERTIFICATE OF SERVICE

I hereby certify that I filed this document through the Court's CM/ECF system on July 14, 2025, which will automatically serve counsel for all parties.

/s/ Matt Pociask
Matt Pociask